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10 **BEFORE THE**
11 **PHYSICIAN ASSISTANT BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
14 Against:

15 **KEVIN ANTHONY VIDA, P.A.**
16 **P.O. Box 5272**
La Quinta, CA 92248

17 **Physician Assistant License No. PA 20984,**
18 **Respondent.**

Case No. 1E-2013-234575

OAH No. 2015070566

FIRST AMENDED ACCUSATION

19 Complainant alleges:

20 **PARTIES**

21 1. Glenn L. Mitchell, Jr. (complainant) brings this First Amended Accusation solely in
22 his official capacity as the Executive Officer of the Physician Assistant Board, Department of
23 Consumer Affairs.

24 2. On or about June 15, 2010, the Physician Assistant Board issued Physician Assistant
25 License No. PA 20984 to Kevin Anthony Vida, P.A. (respondent). The Physician Assistant
26 License was in full force and effect at all times relevant to the charges and allegations brought
27 herein and will expire on November 30, 2015, unless renewed.

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 28 20 15
BY K. Voong **ANALYST**

JURISDICTION

3. This First Amended Accusation, which supersedes the Accusation filed on April 13, 2015, in the above-entitled matter, is brought before the Physician Assistant Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3527 of the Code states, in pertinent part, that:

“(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

“(b) The board may order the denial of an application for, or the suspension or revocation of, or the imposition of probationary conditions upon, an approved program after a hearing as required in Section 3528 for a violation of this chapter or the regulations adopted pursuant thereto.

“(c) The Medical Board of California may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528, for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by board or the Medical Board of California.

“...”

5. Section 3528 of the Code states:

“Any proceedings involving the denial, suspension or revocation of the application for licensure or the license of a physician assistant, the application for approval or the approval of a supervising physician, or the application for approval or the approval of an approved program under this chapter shall be conducted in accordance with Chapter 5

1 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
2 Code.”

3 6. Section 2227 of the Code states:

4 “(a) A licensee whose matter has been heard by an administrative law judge
5 of the Medical Quality Hearing Panel as designated in Section 11371 of the
6 Government Code, or whose default has been entered, and who is found guilty, or
7 who has entered into a stipulation for disciplinary action with the board, may, in
8 accordance with the provisions of this chapter:

9 “(1) Have his or her license revoked upon order of the board.

10 “(2) Have his or her right to practice suspended for a period not to exceed
11 one year upon order of the board.

12 “(3) Be placed on probation and be required to pay the costs of probation
13 monitoring upon order of the board.

14 “(4) Be publicly reprimanded by the board. The public reprimand may
15 include a requirement that the licensee complete relevant educational courses
16 approved by the board.

17 “(5) Have any other action taken in relation to discipline as part of an order
18 of probation, as the board or an administrative law judge may deem proper.

19 “(b) Any matter heard pursuant to subdivision (a), except for warning letters,
20 medical review or advisory conferences, professional competency examinations,
21 continuing education activities, and cost reimbursement associated therewith that
22 are agreed to with the board and successfully completed by the licensee, or other
23 matters made confidential or privileged by existing law, is deemed public, and
24 shall be made available to the public by the board pursuant to Section 803.1.”

25 7. Section 2234 of the Code states, in pertinent part:

26 “The board shall take action against any licensee who is charged with
27 unprofessional conduct. In addition to other provisions of this article,
28 unprofessional conduct includes, but is not limited to, the following:

1 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
2 abetting the violation of, or conspiring to violate any provision of this chapter
3 [Chapter 5, the Medical Practice Act].

4 “...

5 “(e) The commission of any act involving dishonesty or corruption that is
6 substantially related to the qualifications, functions, or duties of a physician and
7 surgeon.

8 “...”

9 8. Unprofessional conduct under Business and Professions Code section 2234 is conduct
10 which breaches the rules or ethical code of the medical profession, or conduct which is
11 unbecoming a member in good standing of the medical profession, and which demonstrates an
12 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
13 575.)

14 9. Section 2236 of the Code states:

15 “(a) The conviction of any offense substantially related to the
16 qualifications, functions, or duties of a physician and surgeon constitutes
17 unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical
18 Practice Act]. The record of conviction shall be conclusive evidence only of the
19 fact that the conviction occurred.

20 “(b) The district attorney, city attorney, or other prosecuting agency shall
21 notify the Division of Medical Quality¹ of the pendency of an action against a
22 licensee charging a felony or misdemeanor immediately upon obtaining
23 information that the defendant is a licensee. The notice shall identify the licensee
24 and describe the crimes charged and the facts alleged. The prosecuting agency

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26 ¹ California Business and Professions Code section 2002, as amended and effective January 1,
27 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical
28 Practice Act (Bus. & Prof. Code, §§ 2000, *et seq.*) means the “Medical Board of California,” and
references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other
provision of law shall be deemed to refer to the Board.

1 shall also notify the clerk of the court in which the action is pending that the
2 defendant is a licensee, and the clerk shall record prominently in the file that the
3 defendant holds a license as a physician and surgeon.

4 “(c) The clerk of the court in which a licensee is convicted of a crime
5 shall, within 48 hours after the conviction, transmit a certified copy of the record
6 of conviction to the board. The division may inquire into the circumstances
7 surrounding the commission of a crime in order to fix the degree of discipline or
8 to determine if the conviction is of an offense substantially related to the
9 qualifications, functions, or duties of a physician and surgeon.

10 “(d) A plea or verdict of guilty or a conviction after a plea of nolo
11 contendere is deemed to be a conviction within the meaning of this section and
12 Section 2236.1. The record of conviction shall be conclusive evidence of the fact
13 that the conviction occurred.”

14 10. Section 2238 of the Code states:

15 “A violation of any federal statute or federal regulation or any of the statutes or
16 regulations of this state regulating dangerous drugs or controlled substances constitutes
17 unprofessional conduct.”

18 11. Section 2239 of the Code states, in pertinent part:

19 “(a) The use or prescribing for or administering to himself or herself, of any
20 controlled substance; or the use of any of the dangerous drugs specified in Section
21 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
22 dangerous or injurious to the licensee, or to any other person or to the public, or to
23 the extent that such use impairs the ability of the licensee to practice medicine
24 safely or more than one misdemeanor or any felony involving the use,
25 consumption, or self-administration of any of the substances referred to in this
26 section, or any combination thereof, constitutes unprofessional conduct. The
27 record of the conviction is conclusive evidence of such unprofessional conduct.

28 “...”

12. Section 2261 of the Code states:

“Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.”

13. Section 2262 of the Code states:

“Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

“In addition to any other disciplinary action, the Division of Medical Quality or the California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars (\$500) for a violation of this section.”

14. California Code of Regulations, title 16, section 1399.521.5, states, in pertinent part:

“In addition to the conduct described in Section 3527 of the Code, “unprofessional conduct” also includes the following:

“...

“(e) Failure to report to the board within 30 days any of the following:

“(1) The bringing of an indictment or information charging a felony against the licensee.

“(2) The arrest of the licensee.

“...”

15. Section 11153 of the Health and Safety Code states, in pertinent part,

“(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription.

Except as authorized by this division, the following are not legal prescriptions: (1) an

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1 order purporting to be a prescription which is issued not in the usual course of
2 professional treatment or in legitimate and authorized research; . . .

3 “...”

4 16. Section 11157 of the Health and Safety Code states, “No person shall issue a
5 prescription that is false or fictitious in any respect.”

6 17. Section 11170 of the Health and Safety Code states, “No person shall prescribe,
7 administer, or furnish a controlled substance for himself.”

8 18. Section 11173 of the Health and Safety Code states, in pertinent part:

9 “(a) No person shall obtain or attempt to obtain controlled substances, or
10 procure or attempt to procure the administration of or prescription for controlled
11 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
12 concealment of a material fact.

13 “(b) No person shall make a false statement in any prescription, order, report,
14 or record, required by this division.

15 “...”

16 19. Section 11180 of the Health and Safety Code states, “No person shall obtain or
17 possess a controlled substance obtained by a prescription that does not comply with this division.”

18 20. Section 11368 of the Health and Safety Code states:

19 “Every person who forges or alters a prescription or who issues or utters an altered
20 prescription, or who issues or utters a prescription bearing a forged or fictitious signature for
21 any narcotic drug, or who obtains any narcotic drug by any forged, fictitious, or altered
22 prescription, or who has in possession any narcotic drug secured by a forged, fictitious, or
23 altered prescription, shall be punished by imprisonment in the county jail for not less than
24 six months or more than one year, or in the state prison.”

25 **COST RECOVERY**

26 21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Prescribing or Administering a Controlled Substance to Himself)**

5 22. Respondent has subjected his Physician Assistant License No. PA 20984 to
6 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2239, subdivision
7 (a), of the Code, in that he has prescribed and administered a controlled substance to himself, as
8 more particularly alleged hereinafter:

9 (a) Between on or about March 26, 2012, and on or about January 31, 2013,
10 respondent worked as a physician assistant at Desert Orthopedic Center (D.O.C.) at
11 Eisenhower Medical Center in Rancho Mirage, California.

12 (b) While employed at D.O.C., respondent had access to preprinted prescription
13 pads that contained the names of the members of the office.

14 (c) On or about January 31, 2013, respondent was terminated from his position at
15 D.O.C. due to chronic absenteeism.

16 (d) On or about August 8, 2013, respondent tried to fill a prescription for Adderall²
17 at Von's pharmacy on Palm Canyon Drive in Palm Springs, California (Von's). D.C., the
18 Von's employee working the pharmacy counter at the time, reviewed the prescription and
19 believed that it may have been altered. D.C. attempted to question respondent about the
20 prescription, but respondent became nervous and left the store without the prescription.

21 (e) On or about August 9, 2013, D.C. contacted D.O.C. to determine whether the
22 prescription respondent tried to fill was legitimate. D.C. spoke with W.F., the Office
23 Manager, who asked D.C. to fax over a copy of the questionable prescription. Upon receipt
24 of the prescription, W.F. immediately informed D.C. that Dr. R.F.'s signature was forged.
25 Upon further inspection, W.F. noticed that the patient's name on the prescription was

26 ² Adderall is a brand name for dextroamphetamine and amphetamine, a Schedule II controlled
27 substance pursuant to Health and Safety Code section 11055, subdivision (d), and a dangerous drug
28 pursuant to Business and Professions Code section 4022. It is an amphetamine salt used for attention-
deficit hyperactivity disorder and narcolepsy.

1 respondent, whom she remembered being a former employee of D.O.C. D.C. then
2 contacted other pharmacies in the area, including the Pavillions on Bob Hope Drive in the
3 City of Rancho Mirage (Pavillions), and was told that respondent had filled various
4 prescriptions for Adderall at these other locations as well.

5 (f) Shortly after speaking with D.C., W.F. ran a Controlled Substance Utilization
6 Review and Evaluation System (CURES) report. The results that she found showed that
7 respondent had received over 2800 pills for Adderall in the past twelve (12) months. W.F.
8 then contacted law enforcement to report possible prescription fraud.

9 (g) Shortly thereafter, Rancho Mirage Police Deputy D.L. arrived at D.O.C.
10 Deputy D.L. spoke with Dr. R.F. and confirmed that his signature on the prescription was
11 forged. Dr. R.F. admitted having written one prescription for respondent in the past when
12 respondent was still employed at D.O.C., but denied having written any prescriptions for
13 respondent since.

14 (h) Deputy D.L. spoke with D.G., the pharmacy manager at Pavillions. D.G.
15 informed Deputy D.L. that respondent was a regular customer there and had attempted to
16 fill the forged prescription at Pavillions earlier that week.

17 (i) On or about August 12, 2013, Deputy C.G. from the Rancho Mirage Special
18 Enforcement Team took over the investigation from Deputy D.L. Deputy C.G. ran a
19 CURES report from 8/14/12-7/23/13, which showed that respondent had been prescribed
20 Adderall from Dr. A.T., Dr. R.F., and Dr. R.T. The report showed that during that time
21 frame, respondent had received approximately 3,710 Adderall pills.

22 (j) On or about August 13, 2013, Deputy C.G. spoke with the business manager at
23 Dr. R.T.'s office, who verified that respondent was a patient of Dr. R.T. and that Dr. R.T.
24 prescribes Adderall to respondent.

25 (k) That same day, Deputy C.G. spoke with J.E., the pharmacy manager at
26 Walgreens on Monterey Avenue in the City of Palm Desert (Walgreens). J.E. informed
27 Deputy C.G. that he knows respondent, but that respondent is not permitted to fill
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1 prescriptions at Walgreens because respondent wanted his Adderall prescription filled too
2 often.

3 (l) That same day, Deputy C.G. spoke with Dr. R.F., who denied ever giving
4 respondent permission to forge his name on the prescription for Adderall. Dr. R.F. further
5 informed Deputy C.G. that when respondent worked at D.O.C., respondent had signed out
6 three prescription pads, each containing fifty (50) blank prescriptions, from their locked
7 cabinet. Dr. R.F. also stated that respondent had not returned any prescription pads since
8 his employment at D.O.C. was terminated on January 31, 2013. Dr. R.F. provided a sample
9 signature to Deputy C.G., which did not match the signature on any of the prescriptions that
10 respondent had turned in to the pharmacies.

11 (m) On or about August 14, 2013, Deputy C.G. spoke with Dr. A.T. by phone. Dr.
12 A.T. could not recall if he had prescribed Adderall to respondent on August 14, 2012. Dr.
13 A.T. provided a sample signature to Deputy C.G., which did not match the signature on any
14 of the prescriptions that respondent had turned in to the pharmacies.

15 (n) On or about August 15, 2013, members of the Indian Wells Special
16 Enforcement Team, including Deputy C.G., served a search warrant on respondent's
17 residence. Upon a search of the residence, respondent was located in the backyard and
18 placed under arrest. Inside a plastic bag found next to respondent was a prescription bottle
19 belonging to T.D., which contained Modafinil³ pills. Respondent explained to Deputy C.G.
20 that he received the pills the night before from his friend, "Tiffany," so he could get off
21 Adderall. Also found inside respondent's office were three (3) blank prescriptions forms
22 from the Cardiovascular Surgery Associates of the Desert and one blank prescription from
23 Dr. R.F.'s office.

24 (o) Respondent was taken to the Palm Desert police station and read his Miranda
25 rights. Respondent agreed to waive his rights and proceeded to answer questions.

26 Respondent admitted that he began working as a physician assistant for Dr. A.T. at D.O.C.

27 ³ Modafinil is a Schedule IV controlled substance pursuant to Health and Safety Code section
28 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

1 on April 26, 2012. Prior to his employment there, however, respondent claimed that he had
2 been prescribed Adderall to treat his attention deficit disorder (ADD). While working for
3 Dr. A.T., respondent admitted that Dr. R.F. wrote him a prescription for Adderall because
4 respondent did not have a primary doctor at the time. Respondent admitted writing
5 prescriptions for himself for Adderall and then turning them in to different pharmacies.
6 Respondent claimed he had done this approximately eight (8) times in the past. Respondent
7 claims that he would take the prescriptions from his work, as the doctor's signature was
8 already signed. When Deputy C.G. informed respondent that Dr. R.F. had already
9 confirmed that the signatures on the prescriptions were not his, respondent then admitted to
10 forging Dr. R.F.'s signature on at least three prescriptions. Respondent admitted writing
11 these prescriptions because the amount of Adderall he received from Dr. R.T. was not
12 strong enough, claiming he needed to take approximately ten (10) Adderall pills each day
13 to control his ADD and to be able to focus. Respondent denied ever selling the pills and
14 denied ever writing fraudulent prescriptions for anyone else. Following the interview,
15 respondent was transported and booked into the Indio Jail for felony violations of Health
16 and Safety Code section 11368, forgery of a prescription for a narcotic, and Penal Code
17 section 459, burglary.

18 (p) On or about August 13, 2013, the Director of Human Resources at D.O.C. filed
19 a complaint with the Medical Board's Central Complaint Unit alleging that respondent had
20 been using stolen prescriptions, issuing forged prescriptions, and writing prescriptions to
21 himself. The case was assigned to Division of Investigations Supervising Investigator, S.R.
22 (Investigator).

23 (q) On or about August 16, 2013, Deputy C.G. obtained prescriptions respondent
24 had used to obtain Adderall from the Rite Aid pharmacy on Highway 111 in Palm Desert,
25 California. Dr. R.F. and Dr. A.T. confirmed that the signatures on these prescriptions were
26 not their signatures.

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(r) On or about August 21, 2013, Investigator S.R. ran a CURES report with respondent as a patient for the preceding twelve (12) months. That report showed the following prescriptions issued to respondent:

<u>Date Filled</u>	<u>Drug Name</u>	<u>Quantity</u>	<u>Dr. Name</u>
8/28/12	Dextroamphetamine ⁴	220	R.F.
9/10/12	Amphetamine Salt Combo ⁵	180 pills	R.F.
9/12/12	Amphetamine Salt Combo	220 pills	R.F.
10/2/12	Amphetamine Salt Combo	90 pills	R.T.
10/12/12	Amphetamine Salt Combo	200 pills	R.F.
10/29/12	Amphetamine Salt Combo	200 pills	R.F.
11/11/12	Amphetamine Salt Combo	90 pills	R.T.
11/20/12	Amphetamine Salt Combo	200 pills	R.F.
12/6/12	Amphetamine Salt Combo	90 pills	R.T.
12/7/12	Amphetamine Salt Combo	200 pills	R.F.
12/28/12	Amphetamine Salt Combo	200 pills	R.F.
1/14/13	Amphetamine Salt Combo	90 pills	R.T.
1/27/13	Amphetamine Salt Combo	30 pills	R.T.
1/27/13	Amphetamine Salt Combo	90 pills	R.T.
1/30/13	Amphetamine Salt Combo	140 pills	R.F.
3/1/13	Amphetamine Salt Combo	200 pills	R.F.
3/17/13	Amphetamine Salt Combo	200 pills	R.F.
4/4/13	Dextroamphetamine	90 pills	R.T.
4/4/13	Dextroamphetamine	90 pills	R.T.
4/17/13	Amphetamine Salt Combo	200 pills	R.F.
5/8/13	Dextroamphetamine	90 pills	R.T.
6/18/13	Dextroamphetamine	90 pills	R.T.
6/27/13	Dextroamphetamine	200 pills	R.F.
7/23/13	Amphetamine Salt Combo	90 pills	R.T.

(s) On or about October 11, 2013, the Riverside County District Attorney filed a criminal complaint against respondent in the case entitled *The People of the State of California v. Kevin Anthony Vida*, Riverside County Superior Court Case No. INF1302793, charging him with two counts of felony burglary, in violation of Penal Code section 459; two counts of felony forgery of a prescription for a narcotic, in violation of Health and Safety Code section 11368; and two counts of felony prescription forgery with the intent to

⁴ Dextroamphetamine and amphetamine, a brand name "Adderall," are Schedule II controlled substances pursuant to Health and Safety Code section 11055, subdivision (d), and dangerous drugs pursuant to Business and Professions Code section 4022. Both are an amphetamine salt used for attention-deficit hyperactivity disorder and narcolepsy.

⁵ See footnote 4, above.

defraud, in violation of Penal Code section 470, subdivision (d). On or about October 17, 2013, respondent was arraigned plead not guilty to all counts.

(t) As of July 24, 2014, there was no record of respondent having reported his felony arrest to the Board.

(u) On or about August 19, 2015, respondent was convicted upon his plea of guilty to counts two and three of the complaint in Riverside County Superior Court Case No. INF1302793, i.e., forgery of a prescription for a narcotic, in violation of Health and Safety Code section 11368, and prescription forgery with the intent to defraud, in violation of Penal Code section 470, subdivision (d). Both counts were reduced to misdemeanors, pursuant to Penal Code section 17, subdivision (b)(4). On that same date, the Superior Court sentenced respondent to summary probation for thirty-six (36) months, subject to various terms and conditions.

SECOND CAUSE FOR DISCIPLINE

(Violation of State Laws Regulating Dangerous Drugs and/or Controlled Substances)

23. Respondent has further subjected his Physician Assistant License No. PA 20984 to disciplinary action under sections 3527, 2227 and 2234, as defined by section 2238, of the Code, in that he has violated a state law or laws regulating dangerous drugs and/or controlled substances, as more particularly alleged hereinafter:

(a) Paragraphs 22(a) through 22(u), above, are hereby incorporated by reference and realleged as if fully set forth herein.

(b) Respondent repeatedly issued prescriptions to himself by forging the signature of the prescribing physician, for the purpose of obtaining the controlled substance for his own use, in violation of Health and Safety Code sections 11153, 11157, 11170, 11173, and 11180.

(c) Respondent repeatedly obtained and/or attempted to obtain controlled substances, and/or procured or attempted to procure the administration of and/or prescription for controlled substances, by fraud, deceit, misrepresentation, or subterfuge, in violation Health and Safety Code section 11173.

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1 (d) Respondent repeatedly prescribed, used, and/or administered to himself controlled
2 substances, in violation of section 2239 of the Code, and Health and Safety Code section 11170.

3 (e) Respondent repeatedly used and/or possessed controlled substances which were not
4 obtained by prescriptions that complied with the California Controlled Substances Act, in
5 violation of Health and Safety Code section 11180.

6 (f) Respondent repeatedly issued prescriptions for controlled substances outside of the
7 usual course of his professional practice, in violation of Health and Safety Code section 11153.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Dishonesty or Corruption)**

10 24. Respondent has further subjected his Physician Assistant License No. PA 20984 to
11 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2234, subdivision
12 (e), of the Code, in that he has committed an act or acts of dishonesty or corruption, as more
13 particularly alleged in paragraphs 22(a) through 22(r), and 23, above, which are hereby
14 incorporated by reference and realleged as if fully set forth herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(False Representations)**

17 25. Respondent has further subjected his Physician Assistant License No. PA 20984 to
18 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2261, of the Code,
19 in that he has knowingly made or signed a certificate or document directly or indirectly related to
20 the practice of medicine which falsely represented the existence or nonexistence of a
21 state of facts, as more particularly alleged in paragraphs 22(a) through 22(r), and 23, above,
22 which are hereby incorporated by reference and realleged as if fully set forth herein.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Creation of False Medical Records, with Fraudulent Intent)**

25 26. Respondent has further subjected his Physician Assistant License No. PA 20984 to
26 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2262, of the Code,
27 in that he created false medical records with fraudulent intent, as more particularly alleged in

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1 paragraphs 22(a) through 22(r), and 23, above, which are hereby incorporated by reference and
2 realleged as if fully set forth herein.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Conviction of an Offense Substantially Related to the Qualifications,
5 Functions, or Duties of a Physician and Surgeon)**

6 27. Respondent has further subjected his Physician Assistant License No. PA 20984
7 to disciplinary action under sections 3527, 2227 and 2234, as defined by section 2236, of the
8 Code, in that he has been convicted of an offense substantially related to the qualifications,
9 functions, or duties of a physician and surgeon, as more particularly alleged in paragraph 22(a)
10 through 22(u), above, which are hereby incorporated by reference and realleged as if fully set
11 forth herein.

12 **SEVENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Report Arrest)**

14 28. Respondent has further subjected his Physician Assistant License No. PA 20984 to
15 disciplinary action under section 3527, as defined by section 3527, subdivision (a), of the Code,
16 and California Code of Regulations, title 16, section 1399.521.5, subdivision (e)(2), in that he
17 failed to report his arrest to the Board within 30 days of his arrest, as is more particularly alleged
18 in paragraphs 22(a) through 22(t), above, which are hereby incorporated by reference and
19 realleged as if fully set forth herein.

20 **EIGHTH CAUSE FOR DISCIPLINE**

21 **(Violating, or Attempting to Violate, Directly or Indirectly a Provision or Provisions
22 of the Medical Practice Act)**

23 29. Respondent has further subjected his Physician Assistant License No. PA 20984 to
24 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2234, subdivision
25 (a), of the Code, in that he has violated or attempted to violate, directly or indirectly, assisted in or
26 abetted the violation of, or conspired to violate, a provision or provisions of the Medical Practice
27 Act, as more particularly alleged in paragraphs 22 through 28, above, which are hereby
28 incorporated by reference and realleged as if fully set forth herein.

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 30. Respondent has further subjected his Physician Assistant License No. PA 20984 to
4 disciplinary action under sections 3527, 2227 and 2234 of the Code, in that he has engaged in
5 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
6 unbecoming to a member in good standing of the medical profession, and which demonstrates an
7 unfitness to practice medicine, as more particularly alleged in paragraphs 22 through 29, above,
8 which are hereby incorporated by reference and realleged as if fully set forth herein.

9 **PRAYER**

10 WHEREFORE, complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Physician Assistant Board of California issue a decision:

- 12 1. Revoking or suspending Physician Assistant License No. PA 20984, issued to
13 respondent Kevin Anthony Vida, P.A.;
- 14 2. Ordering respondent Kevin Anthony Vida, P.A., to pay the Physician Assistant Board
15 of California the reasonable costs of the investigation and enforcement of this case, pursuant to
16 Business and Professions Code section 125.3;
- 17 3. Ordering respondent Kevin Anthony Vida, P.A., to pay the Physician Assistant Board
18 of California the costs, if placed on probation, of probation monitoring; and
- 19 4. Taking such other and further action as deemed necessary and proper.

20 DATED: September 28, 2015

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22 GLENN L. MITCHELL, JR.
23 Executive Officer
24 Physician Assistant Board
25 Department of Consumer Affairs
26 State of California
27 Complainant
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